

MINUTES OF BENTON COUNTY QUORUM COURT

August 16, 2007

A special meeting of the Benton County Quorum Court was held on Thursday, August 16, 2007 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

The meeting was called to order by County Judge Gary Black, who stated that the purpose of the meeting is to consider a lease of office space for the Benton County Election Commission.

Deputy Clerk Betsy Deaton called roll as follows:

12 JPs Present:	Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak
1 Absent:	Brown

A legal quorum was present.

County Judge Gary Black led the Pledge of Allegiance to the flag.

PUBLIC COMMENTS:

None

- (A) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2006-24 (**2007** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 23, Non-Departmental Maintenance, Fund 010; Sponsor: JP Tim Summers

JP Summers made motion to insert the amount of \$21,800 into Article 2 of the proposed appropriation ordinance to fund the lease of office space for the Benton County Election Commission for the remainder of 2007, seconded by JP Stephenson.

Deputy Clerk Betsy Deaton read the proposed appropriation ordinance by title only.

JP Summers stated that members of the county staff have investigated other possible office sites and the location on Executive Drive is still the best option. JP Hill stated that the present location of the Election Commission is unsafe for poll workers, and the proposed location will fill all of their needs. JP Winscott asked for specific terms of the lease. JP Summers stated it is a two year lease at \$4,837.50 per month. He stated they do not want the Election Commission to face the possibility of moving in one year, which would be during preparations for the upcoming Presidential election. County Attorney Robin Green stated that the lease will contain the standard non-appropriation clause, which voids the lease agreement at any point that it is not funded by the Quorum Court.

JP Hobbs stated that she agrees with the need for a new facility, and asked if they are voting today to appropriate funds for the entire two years of the lease. County Attorney Robin Green stated that they are only appropriating funds for the remainder of 2007, and if the Quorum Court chooses not to include the lease in next year's budget, the county could escape from the lease agreement with no penalty. She added that if they started engaging in that practice on a regular basis, it could become difficult for the County to obtain leases.

JP Hobbs stated that she would be more in favor of this location if they could negotiate for a shorter lease period, because with the possibility of obtaining the St. Mary's facility, she hated to see them tied to a lease for another year at an additional \$58,000 per year. JP Wolf stated that the property is obligated to us for two years, but if it becomes necessary, we can get out of the lease. JP Hobbs asked if any other properties were reviewed or if this was the only one looked at. JP Summers stated that County Judge Gary Black and Comptroller Richard McComas had looked at several other locations. Richard McComas reported that the location near the Wal-Mart Distribution Center was going to cost more than \$13.50 per square foot, because the quoted \$12 per square foot did not include taxes and insurance, and the location on "A" Street will not be finished for 2 months and had inadequate parking. He said they inquired about a building behind the Post Office in Bentonville, and were told that it required a 3-year lease with a 5,000 square foot minimum, and again parking was an issue. JP Hobbs asked if they inquired about a location on Commercial Drive in Centerton. Richard McComas stated that it had been leased by a furniture company. JP Hobbs stated that she was told that they had a temporary lease, and it could be vacated as soon as the county needed it. Richard McComas stated that they had spoken with the occupants, and they indicated that they had no plans to leave anytime soon. JP Hobbs asked who owned the building at Executive Drive. Richard McComas stated he did not have that information, but could get it.

JP Stephenson stated that he does not understand how the Quorum Court's legislative and monetary responsibilities are related to this line of questioning and micromanaging of county departments. He said they are abrogating the duties of the County Judge's office. JP Hobbs stated that it is their responsibility to approve the budget, and if there is something cheaper that is comparable, they should look at it. JP Stephenson stated that it should be turned over to a committee, or an individual, but it is not the Quorum Court's function to act as the County Judge. JP Wozniak asked what the new budget amount would be for 2007. Richard McComas stated that it will be \$86,800.

JP Hubbard stated that when something like this comes up again, he would like to see more than one choice brought to the Quorum Court, because it might stop some of the questioning, instead of just being told that this is the one that was chosen. He said that seeing the top 3 choices with all of the costs and pros and cons would let them see some of the homework that was done.

JP Stephenson stated that would be at the County Judge's discretion, and noted that when he first began serving on the Quorum Court, there was an atmosphere of extreme distrust, but that the County Judge and his assistants are reasonable and will operate openly. He added that the committees are useless if they have to come back as a Quorum Court and do the work all over again.

JP Summers stated that he would have spoken more strongly in favor of the budget adjustment at the August 14 Committee of Thirteen meeting if he had realized there were so many questions. He said he was aware that JP Hobbs had concerns from the beginning, but thought they had been

answered. He said that the Election Commission did not just pick one place, but had investigated several, and this is the one that best suited all of their requirements. He said that the committee structure works well, but they are hampered by the inability to communicate with each other. He added that usually when something has gone through the Long Range Planning/Properties & Equipment Committee and Finance Committee, it has been thoroughly discussed. He said the time for questioning and examination is in the committees, and that when something like this comes up again, hopefully they will have learned how to better approach it.

JP Moore noted that the issue was examined closely before it was forwarded to Finance, and he hoped that all JPs are aware that they are welcome to attend any committee meeting and participate in the discussion whether or not they are members of the committee.

There being no further discussion, a roll call vote was recorded as follows:

12 yeas:	Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak
1 absent:	Brown

Appropriation Ordinance duly adopted and assigned **No. O-2007-17**.

ANNOUNCEMENTS:

JP Summers stated that the Committee of Thirteen meeting scheduled for August 28, 2007 has been rescheduled for September 4, 2007, and will start at 6:00 p.m., since the new ordinance will be in effect.

JP Moore announced that the Long Range Planning/Properties & Equipment committee will meet on Tuesday, August 21, 2007 at 5:30 p.m.

County Judge Gary Black stated that the shredder is operating, and the first free shredding day open to the public will be Saturday, August 18 from 8:00 a.m. to 12 noon.

OTHER BUSINESS:

None

There being no further business to come before the court, upon motion and second the meeting was adjourned at 5:27 p.m.

Respectfully submitted,

Mary L. Slinkard
County Clerk

Prepared by: Betsy Deaton